

The following veto message was received from his Excellency, Governor E. J. Davis, by the hands of his Private Secretary :

GOVERNOR'S OFFICE,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : I return, for reconsideration, to the House of Representatives, where it originated, the act entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870."

This act is intended as a substitute for section seven of the election law of August 15, 1870, but section seven of that law provides for the election of members of Congress, which this one omits to do, and thus leaves us without a day of election for those officers.

Again, this act differs remarkably from the section for which it is a substitute in providing for the election of "all county officers made properly elective at that time by the Constitution and laws of this State." It will be noticed that the word "properly" before the word "elective," and the words "at that time" after the same word "elective" are not in the section for which this is a substitute. Now, there is no provision in the Constitution or any of the laws of this State making county officers "pro-

perly elective *at that time*," or any other time short of the day of general election for State and county officers, or four years after the general election in 1869. The law commonly known as "the enabling act," authorized the Governor to fill certain vacancies in county offices until the next general election; but an election to fill a vacancy is special in its nature, and the office, under the Constitution and laws, is not "properly elective at that time," but only at the time that the term thereof expires according to the provision of the constitution or law which creates the office.

Again, this act does not provide for an election for municipal authorities of cities. It might, however, have been supposed by the Legislature, that the terms of the said "enabling act" covered the case, and that elections could be held thereunder for those officers in August; but this is not so, as it will be seen on examination of the various acts of incorporation of cities and towns, that in most of these there is a provision made for the first election in November, 1872.

The act under consideration is, therefore, very objectionable, in this, that it will create uncertainty and confusion as to time of election and tenure of office of a great number of elective officers, and accordingly should not pass in this shape.

But there is another and, I think, more serious objection. In August, 1870, more than a year since, the election law, to which this is proposed as a substitute, was enacted. There was then good ground for argument as to the propriety of a postponement of the election to so late a day as the first Tuesday after first Monday in November, 1872. Many reasons might have been advanced in favor of an election, at least for members of the Legislature, during the past fall; but the appropriate time elapsed, and now it is questionable whether any good can result from a change of the day sufficient to counterbalance the expense and inconvenience and the public excitement and disturbance attending two general elections within the next year, and ninety days apart—that is to say, an election under this act on the first Tuesday in August, and another in November, under the act of Congress for electors of President and Vice President.

It is further to be objected, that this act proposes to perpetuate the arrangement for two general elections, some ninety days apart, every second year, because it is understood that the Congress of the United States will soon fix the Congressional election on the same day as that for electors of President. It is certainly an unnecessary and inconvenient arrangement.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.